

**TOWN OF NEWMARKET, NEW HAMPSHIRE  
TOWN COUNCIL REGULAR MEETING**

**June 1, 2016 7:00 PM**

**TOWN HALL AUDITORIUM**

PRESENT: Council Chairman Gary Levy, Council Vice Chairman Phil Nazzaro, Councilor Dale Pike, Councilor Amy Thompson, Councilor Toni Weinstein, Councilor Amy Burns, Councilor Kyle Bowden

ALSO PRESENT: Town Administrator Steve Fournier, Interim Finance Director Matt Angell, Public Works Director Rick Malasky, Recreation Director Jim Hilton

**AGENDA**

Chairman Gary Levy welcomed everyone to the June 1, 2016 Newmarket Town Council Meeting and called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

Chairman Levy requested a moment of silence for State Representative Marcia Moody, who passed away last month, and said she served 6 terms in the New Hampshire House of Representatives.

**PUBLIC FORUM**

Chairman Levy opened the Public Forum at 7:01 pm.

As no one from the public came forward, Chairman Levy closed the Public Forum at 7:01 pm.

**PUBLIC HEARING** – None

**TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES**

**Acceptance of the Minutes of the Non-Public Meeting of May 18, 2016**

Councilor Thompson made a motion to approve the minutes of the Non-Public Meeting of May 18, 2016 which was seconded by Councilor Weinstein.

As there were no corrections or changes, Town Administrator Fournier polled the Council and the minutes of the Non-Public Meeting of May 18, 2016 were approved by a vote of 4-0, with 3 abstentions.

### **Acceptance of the Minutes of the Regular Meeting of May 18, 2016**

Councilor Thompson made a motion to approve the minutes of the Regular Meeting of May 18, 2016 which was seconded by Vice Chair Nazzaro.

As there were no corrections or change, Town Administrator Fournier polled the Council and the minutes of the Regular Meeting of May 18, 2016 were approved by a vote of 4-0, with 3 abstentions.

### **REPORT OF THE TOWN ADMINSTRATOR**

Town Administrator Steve Fournier stated that he had been in discussion with the New Hampshire Department of Resources and Economic Development (DRED) on creating an **Economic Recovery Zone** in Newmarket, with the purpose of encouraging economic development in underutilized or vacant areas in town. He said developers who created projects and jobs in these zones would receive business profit tax credits. He stated that there was a first reading of a resolution on the agenda designating South Route 152 (B3 Zoning District) as an Economic Recovery Zone in Newmarket, and said the information from DRED was attached. He said he was aware that there were discussions on zoning in that area going on currently with the Planning Board, and said the resolution could always be tabled at the next Council meeting.

Town Administrator Fournier said he wanted to remind residents to conserve water as the wells were still not at the levels needed and there had been large withdrawals of water over the past few weekends. He said Newmarket was still in a **Stage Three Water Emergency**, and properties found in violation of the order would first be warned, charged \$100 for a 2<sup>nd</sup> violation, and \$250 for subsequent violations and water turned off. He said a \$75 fee would then be charged to reconnect the water service. Town Administrator Fournier next addressed the **New Overtime Rules** which were announced on May 18, 2016 by the US Department of Labor to increase the number of white-collar workers eligible for overtime protection based on their pay. He said as a result the minimum salary threshold would be raised from \$23,660 to \$47,476 per year beginning December 6, 2016. He said for New Hampshire, the US Department of Labor projected the new rule would extend overtime protections to 22,000 workers, and said he would continue to monitor employee hours and thresholds as well as participants in the State Retirement System.

Town Administrator Fournier next provided an update on the **Route 108 South Bike Lane Project**, and stated that Underwood Engineers had completed their revised Engineering Study which was submitted to NHDOT for comment. He said that as part of the engineering study, four (4) alternatives were presented: Alternative 1 – 5' Bike Lane Shoulders at a cost of \$1.2 million, Alternative 2 – Off-Road Shared Bike Path at a cost of \$1.1 million, Alternative 3 – 4' Bike Lane from Hersey Lane to Bennett Way at a cost of \$809,200, and Alternative 4 – No Action at a cost of \$0. He stated that the total amount approved by the State and Feds was \$809,292 and said when the study was approved, he would come to the Town Council with a resolution to move forward with one of the options. Town Administrator Fournier said that all

contracts had been signed to begin work on the **Downtown Pedestrian Improvement Projects**, and that a pre-construction meeting would be held with DOT in the coming weeks.

Discussion: Chairman Levy said with respect to Alternative 3 for the Bike Path, it was his understanding that it may come in higher when construction costs were known. Town Administrator Fournier said if the bid came in higher, he would recommend to the Council not to accept the bid and the project would not be done. Councilor Pike asked if the MacIntosh Well coming online would make a big difference in the water situation. Town Administrator Fournier said it would be online in August or early September and that it should alleviate the problem but would not solve it. He said the water was starting to be tested for the blend in the system, but that they were still looking for other sources of water for the Town. Councilor Thompson asked if it was wrong to assume that one more well at the current water levels might not be enough. Town Administrator Fournier said it would probably bring them back to where they needed to be, but he was asking residents to conserve due to the large recent withdrawals of water.

### **COMMITTEE REPORTS**

Councilor Weinstein stated that the *Budget Committee* had met last week. She said there were presentations from Town Administrator Fournier and School Business Administrator Christine Blouin about the current budget status of the Town and the School, and that they would meet again in August.

Chairman Levy asked Councilor Pike to give an overview of the *Joint Town Council/School Board Meeting* held the previous evening. Councilor Pike said the take-away from the meeting was an endorsement to allow Town Administrator Fournier and the new School Superintendent Meredith Nadeau to work towards looking for ways to share services and ways to consolidate some of the functions of the Town and School. He said they hoped to increase value by saving money or providing higher quality services, and they hoped to hear something by mid-August and would hold another joint Town Council/School Board meeting. He said all School Board and Town Council members were present and there had been good discussion. He said the Sub-Committee of two Councilors and two School Board Members also planned to visit Cape Elizabeth, ME where they already had a kind of sharing between the Town Administration and the School Administration.

### **OLD BUSINESS**

### **ORDINANCES AND RESOLUTIONS IN THE 2<sup>ND</sup> READING**

#### **Resolution #2015-2016-46 Resolution Relating to Discontinuing Elm Drive**

Vice Chair Nazzaro made a motion to approve *Resolution #2015-2016-46 Resolution Relating to Discontinuing Elm Drive*, which was seconded by Councilor Thompson.

Town Administrator Fournier said the situation involved the owners of the property on Elm Drive, and stated there was no record of ever recognizing Elm Drive as being part of the Town. He said the owners acknowledged that it was a driveway for the buildings on the property. He said the property was not

owned or maintained by the Town, and the Town Attorney had recommended a formal vote be held to officially discontinue Elm Drive.

Town Administrator Fournier polled the Council and *Resolution #2015-2016-46 Resolution Relating to Discontinuing Elm Drive* was approved by a vote of 7-0

**Resolution #2015-2016-47 Resolution Relating to Replacing a Playground Slide**

Councilor Weinstein made a motion to approve *Resolution #2015-2016-47 Resolution Relating to Replacing a Playground Slide*, which was seconded by Councilor Thompson.

Recreation Director Jim Hilton stated that the slide portion of the equipment at Leo Landroche Park had been vandalized and was not safe, and that it would cost \$8,000 to replace. He said the subsequent inspection of the slide found two other pieces that also needed to be replaced as the structure was 16 years old. He said they had approximately \$108,000 in the Recreation Revolving Fund and felt it was a good thing to do. Town Administrator Fournier stated that if the slide was not replaced, the playground would have to be shut down and that was the reason for the emergency purchase.

Discussion: Councilor Thompson asked who had inspected the slide, and Recreation Director Hilton said GameTime had done the inspection and would install the equipment. Councilor Weinstein asked if they had any recourse due to the vandalism, and Recreation Director Hilton said there was insurance. He said the area had been closed off completely which resulted in almost half of the Playground being unusable and there had been a lot of complaints. Interim Finance Director Matt Angell said he had made the decision as the playground needed to be safe, and they could file an insurance claim afterward. Councilor Pike asked how much of the money might be coming back to them from insurance and Interim Finance Director Angell said it would depend on the claims adjustor and how they valued the asset at the time of the vandalism. He said that based on the age of the equipment, he expected hardly anything would be returned.

Councilor Bowden said the cost of the slide was \$8,000 and asked what other pieces were needed. Recreation Director Hilton said there was a round crawl through part attached to the edge of the slide which was cracked, and that the main structure held it in place. Town Administrator Fournier said the crawl-through piece was approximately \$2,500, and that other costs plus installation would not exceed \$15,000. Chairman Levy asked if they got a firm price to repair the slide and Recreation Director Hilton said it could only be replaced as it was molded plastic. Vice Chair Nazzaro asked if there were any cameras in the Rec Department or if they should consider installing them. Recreation Director Hilton said there was no power anywhere in that area, and Town Administrator Fournier said they could look into the cost of installing cameras. Chairman Levy questioned not getting another bid, and Recreation Director Hilton said that GameTime had installed the structure 16 years ago for \$44,000 and was the lowest bidder. Town Administrator Fournier explained that they were not replacing the entire structure and needed to purchase the slide from the same company so the piece would fit in with the system.

Town Administrator Fournier polled the Council and *Resolution #2015-2016-47 Resolution Relating to Replacing a Playground Slide* was approved by a vote of 7-0.

**Resolution #2015-2016-48 Resolution Relating to Auditor Selection**

Vice Chair Nazzaro made a motion to approve *Resolution #2015-2016-48 Resolution Relating to Auditor Selection*, which was seconded by Councilor Bowden.

Town Administrator Fournier stated that the auditing firm hired last year had quit and a new firm had to be found immediately, and said Macpage LLC had stepped in to complete the Town Audit. He said they went out to bid soliciting auditing firms to continue for a 1-year period, all three firms had been interviewed, and he was recommending Macpage LLC. Interim Finance Director Angell said all three firms were well-qualified and that he had given it up to the committee to make the choice.

Discussion: Vice Chair Nazzaro asked who was on the committee and Interim Finance Director Angell said the committee was composed of the Town Administrator, the Financing Accountant and the Financing Payroll Clerk, and the Town-Clerk/Tax Collector and Assistant Tax Collector, though 2 members were on vacation. He said he wanted to make sure the committee was composed of the people who dealt with the auditors the most. Town Administrator Fournier said the committee included himself, the Town Clerk/Tax Collector, and their Town Accountant. Chairman Levy asked if there was any reason that for \$8,000 they did not go with the other company, and Town Administrator Fournier said during the interim process he felt Macpage LLC would provide better service than Vachon Clukay & Company PC.

Town Administrator Fournier polled the Council and *Resolution #2015-2016-48 Resolution Relating to Auditor Selection* was approved by a vote of 6-1.

**Resolution #2015-2016-49 Resolution Relating to Transferring Funds from the Downtown TIF Capital Reserve Fund**

Councilor Bowden made a motion to approve *Resolution #2015-2016-49 Resolution Relating to Transferring Funds from the Downtown TIF Capital Reserve Fund*, which was seconded by Councilor Burns.

Interim Finance Director Angell said this referred to paying the service related to the Downtown TIF. He said the surplus funds from the Downtown TIF had been put into a capital reserve fund to pay future debt service. Councilor Thompson asked the end date of the service and Interim Finance Director Angell said the last payment would be made on January 15, 2023. Chairman Levy asked if money was actually being transferred. Interim Finance Director Angell said they had to make a formal request of the Trustee and Trust Funds to hold the funds, and they were now holding approximately \$598,000 to pay for this debt service. He said they were moving money from one account to the other and then paying the bank. Councilor Thompson asked that he explain again why they could not just pay the debt off. Interim Finance Director Angell said the Town Council was the agent to expend out of this fund, and Town Administrator Fournier added that there were no provisions to allow buy out of the Bond.

Town Administrator Fournier polled the Council and *Resolution #2015-2016-49 Resolution Relating to Transferring Funds from the Downtown TIF Capital Reserve Fund* was approved by a vote of 7-0

**Resolution #2015-2016-50 Resolution Relating to the Town's Investment Policy**

Councilor Thompson made a motion to approve *Resolution #2015-2016-50 Resolution Relating to the Town's Investment Policy*, which was seconded by Councilor Weinstein.

Town Administrator Fournier said that by State Law the Town Council must adopt a new Investment Policy annually, and said there were no changes from last year. Interim Finance Director Angell said the change he requested had been to remove the portion stipulating they had to use a list provided by the State Treasurer, who had stopped that process several years ago, and he said that portion had been eliminated from the current version.

Discussion: Chairman Levy asked if there was any money currently in accounts that were not FDIC covered up to \$250,000 insurance. Interim Finance Director Angell said all banks they used were covered, and that beyond that amount they provided collateralization through an insurance program. He said the reinsurance was done with a bank in Philadelphia and they received statements periodically on the amounts. Chairman Levy questioned the language on page 112 of the packet. Interim Finance Director Angell stated that it basically said they were limiting the selection of the banks to the State pool and banks with a presence in New Hampshire, or banks chartered by the State or Federal Government, and that they must have some outside collateralization. Chairman Levy asked about taking out a CD with funds, and Interim Finance Director Angell said he needed the money on hand to pay large invoices before they were reimbursed from the State. Chairman Levy asked why they could not use a bank outside of New Hampshire, and Interim Finance Director Angell said they could if the bank was able to pledge securities. Town Administrator Fournier said municipalities could not invest like a business and very few outside banks could meet the strict standards.

Town Administrator Fournier polled the Council and *Resolution #2015-2016-50 Resolution Relating to the Town's Investment Policy* was approved by a vote of 7-0.

**Resolution #2015-2016-51 Resolution Relating to Police Station and Recreation Center Siding Replacement and Repairs**

Councilor Weinstein made a motion to approve *Resolution #2015-2016-51 Resolution Relating to Police Station and Recreation Center Siding Replacement and Repairs*, which was seconded by Councilor Burns.

Public Works Director Rick Malasky said he had sent out bids to eleven companies and received two quotes back to replace the siding on the Police Station and the Community Center with vinyl. He said the upper trim would be wrapped in Aluminum and everything at the bottom would be AZEK. He said the siding colors would remain the same and the AZEK trim would be white. He said in the past they had spent \$15,000 to paint the Community Center and approximately \$5,800 for the Police Department, and that the new siding would eliminate maintenance costs except for pressure washing from time to time and address the wood rot of the buildings.

Discussion: Interim Finance Director Angell said they previously went out to bid to replace the siding only halfway, but no one wanted to touch the project for only half the work. Vice Chair Nazzaro said it was

great they were using a sustainable material and felt it was a good use of the funds, but said that every time money came out of the Building Improvement Capital Reserve Fund they had requested to see the long-term plan for the fund. Town Administrator Fournier said that message would be given to the overseer of Buildings & Grounds to prepare that document as well. Chairman Levy asked why they were not separate resolutions, and Town Administrator Fournier said the same company was doing one project for two building and the amounts were broken down in the resolution.

Town Administrator Fournier polled the Council and *Resolution #2015-2016-51 Resolution Relating to Police Station and Recreation Center Siding Replacement and Repairs* was approved by a vote of 6-1.

**ORDINANCES AND RESOLUTIONS IN THE 3<sup>RD</sup> READING - None**

**ITEMS LAID ON THE TABLE – None**

**NEW BUSINESS/CORRESPONDENCE**

**TOWN COUNCIL TO CONSIDER NOMINATIONS, APPOINTMENTS AND ELECTIONS**

**ORDINANCES AND RESOLUTIONS IN THE 1<sup>ST</sup> READING**

**Resolution #2015/2016-52 Resolution Authorizing the Designation of a Portion of Route 152 as an Economic Recovery Zone**

Chairman Levy read *Resolution #2015/2016-52 Resolution Authorizing the Designation of a Portion of Route 152 as an Economic Recovery Zone* in full.

**Resolution #2015-2016-53 Resolution for Ward #2 Heating Oil, Liquid Propane, Regular Gasoline, and Clear Diesel Contracts**

Chairman Levy read *Resolution #2015-2016-53 Resolution for Ward #2 Heating Oil, Liquid Propane, Regular Gasoline, and Clear Diesel Contracts* in full.

**Resolution #2015-2016-54 Resolution Relating to Vehicle Maintenance**

Chairman Levy read *Resolution #2015-2016-54 Resolution Relating to Vehicle Maintenance* in full.

**Resolution #2015-2016-55 Resolution Relating to Health Trust Membership Agreement**

Chairman Levy read *Resolution #2015-2016-55 Resolution Relating to Health Trust Membership Agreement* in full.

**CORRESPONDENCE/CLOSING COMMENTS**

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Councilor Pike said that with regard to the designation of Route 152 as an Economic Recovery Zone, he felt it made sense to let the Planning Board have a chance to review it before it came to the Council. Town Administrator Fournier said as action was taken at the second meeting, the Council could make a motion to table the resolution where it would remain until the Council voted to remove it.

Vice Chair Nazzaro said he had seen correspondence about the Memorial Day Parade, and said the Commander of the American Legion had made the call to cancel based on inclement weather. He said he assured people this was not meant as a slight to veterans and that the event would not be rescheduled.

Councilor Weinstein said it was nice to see Newmarket in the paper for a positive reason in regard to the partnership with other seacoast area police departments in a new recovery center in Portsmouth, and thanked Police Chief Cyr for his leadership.

#### **NEXT MEETING**

The next meeting of the Town Council is scheduled for June 15, 2016.

#### **ADJOURNMENT**

Councilor Bowden made a motion to adjourn the meeting, which was seconded by Councilor Weinstein. The meeting was adjourned at 8:07 pm.

Respectfully submitted,

Patricia Denmark, Recording Secretary

**Approved June 15, 2016**